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Attorneys for Defendant,
EVIKE.COM INC.

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA

18 HECKLER & KOCH, INC.,

19 Plaintiff,

20 v.

21 EVIKE.COM INC.,

22 Defendant.

Case No.: CV 09-09128-CAS (VBKx)

ORDER
**PARTIES' JOINT MOTION FOR
ENTRY OF STIPULATED
PROTECTIVE ORDER**

1 **COME NOW** Plaintiff and Defendant, by and through their legal counsel, pursuant
2 to Rule 26(c) of the Federal Rules of Civil Procedure, and hereby jointly move the Court to
3 enter the proposed Protective Order attached hereto as Exhibit 1.

4 In support of this motion, the parties jointly represent that certain information,
5 documents and things that contain particularly sensitive, confidential and proprietary
6 business or commercial information within the meaning of Rule 26(c) of the Federal Rules
7 of Civil Procedure may be disclosed by the parties and/or third-parties voluntarily and/or in
8 response to discovery demands; and that it would serve the interests of the parties and third-
9 parties to conduct this proceeding and discovery herein under a protective order pursuant to
10 Rule 26(c) of the Federal Rules of Civil Procedure.

11 More particularly, this action involves claims of trade dress and trademark
12 infringement by Plaintiff against Defendant, and counterclaims by Defendant that it does
13 not infringe any right of Plaintiff and that Plaintiff does not have the trade dress or other
14 rights it claims to own. In connection with these contentions and potentially in connection
15 with other matters at issue, the parties anticipate obtaining discovery from each other and
16 also several third-party entities, some of which are likely to be competitors of one of the
17 parties. The parties also anticipate that some of the documents and information solicited in
18 the discovery from each other or those third-parties may be particularly sensitive,
19 confidential and proprietary in nature and relating, for example, to sales volumes pertaining
20 to particular products, revenues generated by such sales, the sources of such goods, etc.
21 Such non-public information and documents should be protected from unnecessary
22 disclosure and require special protection from disclosure pursuant to Rule 26(c), F.R.Civ.P.

23 The parties have agreed to the terms contained in the attached proposed Protective
24 Order, and a [Proposed] Protective Order granting the requested relief is submitted herewith
25 for the convenience of the Court.

1 X-PATENTS, APC

ALSTON & BIRD LLP

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3 By: s/ Jonathan Hangartner
4 JONATHAN HANGARTNER
Attorneys for Plaintiff

By: s/ Theresa Conduah
Theresa Conduah
Attorneys for Defendant

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6 SO ORDERED:
7 3/25/, 2010

8 
Victor B. Kenton
United States Magistrate Judge
Central District of California

9
10 - Parties will comply with J.O. 79-5
11 - Confidentiality information
12 utilized at trial, or in
13 other proceedings before the
14 District Judge, is not
15 subject to this Order,
16 unless approved by the
17 District Judge.
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Alston &
Bird LLP